

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.Nos.691 to 693 of 2018
and CMP.No.3602 of 2018

CRP.No.691 of 2018

Anbazhagan

..Petitioner

Vs.

1.Vasantha
2.Minor Ajay
3.Minor Arul Kumar
(R2 & 3 minors rep. by their
guardian R1-Vasantha)

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order and decree dated 22.12.2017 made in IA.SR.No.139 of 2017 in IA.No.82 of 2017 in IA.No.2 of 2012 in HMOP.No.59 of 2011 on the file of Subordinate Judge, Perambalur.

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.P.Mani

CRP.No.692 of 2018

Anbazhagan

..Petitioner

Vs.

Vasantha

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order dated 22.12.2017 made in

IA.No.68 of 2017 in HMOP.No.59 of 2011 on the file of Subordinate Judge, Perambalur.

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.P.Mani

CRP.No.693 of 2018

Anbazhagan

..Petitioner

Vs.

1.Vasantha
2.Minor Ajay
3.Minor Arul Kumar
(R2 & 3 minors rep. by their
guardian R1-Vasantha)

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order and decree dated 22.12.2017 made in IA.No.82 of 2017 in IA.No.2 of 2012 in HMOP.No.59 of 2011 on the file of Subordinate Judge, Perambalur.

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.P.Mani

COMMON ORDER

This Civil Revision Petition is filed to set aside the order and decree dated 22.12.2017 made in IA.SR.No.139 of 2017 in IA.No.82 of 2017 in IA.No.2 of 2012 in HMOP.No.59 of 2011 on the file of Subordinate Judge, Perambalur; to set aside the order dated 22.12.2017 made in IA.No.68 of 2017 in HMOP.No.59 of 2011 on the file of Subordinate Judge, Perambalur; and to set aside the order and

decree dated 22.12.2017 made in IA.No.82 of 2017 in IA.No.2 of 2012 in HMOP.No.59 of 2011 on the file of Subordinate Judge, Perambalur.

2. All the civil revision petitions are arising out of interim maintenance ordered in IA.No.2 of 2012 in HMOP.No.59 of 2011. The petitioner is the husband and the respondents are wife and two minor children. The petitioner and the first respondent gave birth to the respondents 2 and 3 after their wedlock. Thereafter there was misunderstanding between them and as such they got separated, which resulted in divorce petition filed by the petitioner on the ground of cruelty. While pending the divorce petition, the respondents herein filed petition for interim maintenance in IA.No.2 of 2012 and the same was allowed on 08.01.2013 and directed the petitioner to pay a sum of Rs.5,000/- per month as interim maintenance to all the three respondents till the disposal of the main divorce petition. In the said interim maintenance petition, the petitioner was set exparte and as such in the year 2017, he filed petition in IA.No.68 of 2017 to set aside the exparte order passed against him. Thereafter he also filed IA.No.SR.139 of 2017 seeking some amendment in the setting aside the exparte order petition. Till the filing of the setting the exparte order petition, the petitioner did not comply the interim order of maintenance and as such the respondent filed petition to implement

the interim order of maintenance in IA.No.82 of 2017. The court below passed common order in all the three IA's and allowed the petition to set aside the exparte order on condition that the petitioner shall pay half of the arrears of interim maintenance at Rs.1,20,000/- and if the petitioner fails to deposit such amount, the petition filed by the respondents automatically stand allowed and main HMOP will be dismissed. Insofar as amendment petition is concerned, the court below dismissed.

3. It is seen that this Court repeatedly directed the petitioner to deposit a sum of Rs.1,20,000/- to the respondents. Even then, the petitioner failed to comply with the same. The learned counsel for the respondents submitted that the petitioner is working in abroad and he is capable of paying maintenance. The petitioner is being the husband, he is duty bound to maintain his wife and two minor children.

4. A sum of Rs.5,000/- per month is very meagre amount and the petitioner can very well pay the said amount to his own wife and minor children. Therefore, this Court finds no merits in all the civil revision petitions and also finds no infirmity or illegality in the orders passed by the court below.

5. Accordingly, all the civil revision petitions are dismissed. However, the learned counsel for the petitioner would submit that there is possibility of settlement between the parties. Therefore, it is made clear that the order passed by this Court is not an impediment to the parties to settle the matter amicably between themselves. Consequently, connected miscellaneous petition is closed. No order as to costs.

17.06.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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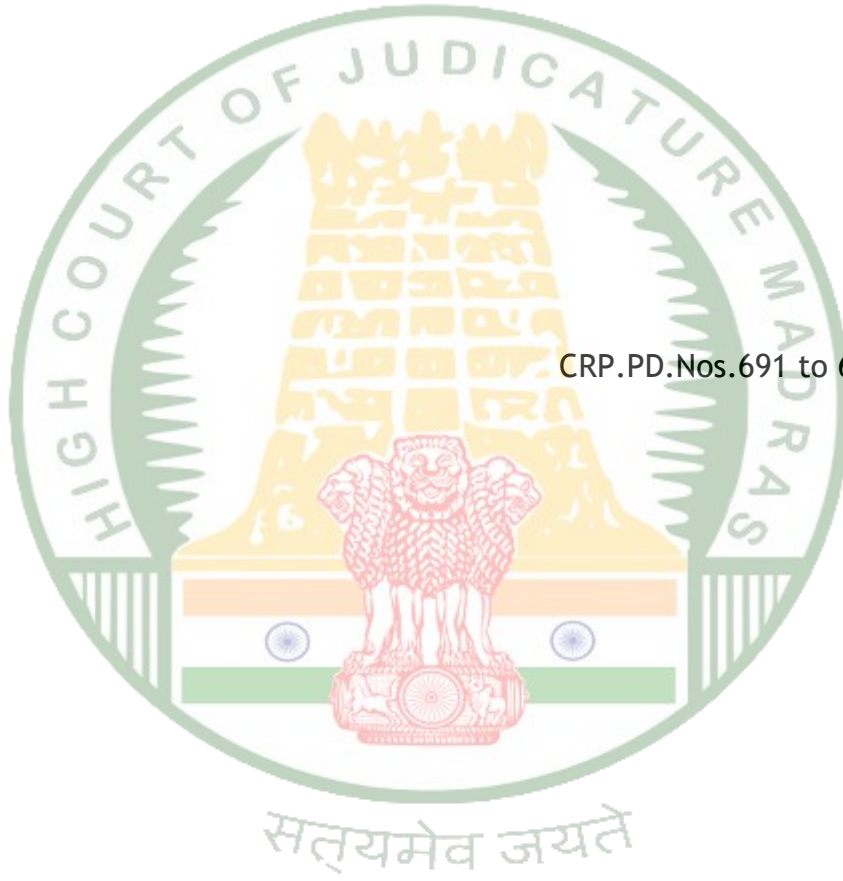
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G.K.ILANTHIRAIYAN,J.

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To

The Subordinate Judge,
Perambalur.



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